

**MINNESOTA BOARD OF MEDICAL PRACTICE
BOARD MEETING
2829 UNIVERSITY AVE. SE
MINNEAPOLIS, MN 55414-3246**

NOVEMBER 8, 2008

The Minnesota Board of Medical Practice met on its regularly scheduled meeting date, November 8, 2008, at its offices in Minneapolis, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Carl Smith, M.D., President, Linda Van Etta, M.D., President, Rebecca Hafner-Fogarty, M.D., MBA, Vice President, Allen Rasmussen, Secretary, Alfred Anderson, D.C., M.D., Keith Berge, M.D., Robert Brown, Ph.D., Jack Geller, Ph.D., Bradley Johnson, M.D., Ernest Lampe, II, M.D., James Langland, M.D., Tammy McGee, Gregory Snyder, M.D. and Jon Thomas, M.D., MBA

PUBLIC SESSION

Roll call was recorded by Robert Leach, Executive Director.

The minutes of the September 13, 2008 Board meeting were received and approved as circulated.

Carl Smith, M.D., Board Co-Chair, introduced new board member Keith Berge, M.D. Dr. Berge is a consultant in the Anesthesiology Department and also serves as an Assistant Professor of Anesthesiology at the College of Medicine at the Mayo Clinic in Rochester, Minnesota. Dr. Berge represents the First Congressional District and replaces Steven Altchuler, M.D., Ph.D.

Dr. Smith introduced Michelle van Ryn, Ph.D., M.P.H., Associate Professor, Department of Family Medicine and Community Health at the University of Minnesota. Ms. van Ryn gave a presentation on Unintended Biases in Minority Health. A question and answer session followed.

The board took a 5 minute break.

Dr. Smith noted that this is the first board meeting that board agenda materials were downloaded by board members from the board's secure website rather than having them mailed on a flash drive.

On recommendation of the Licensure Committee, physician applicants 1 – 158 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Licensure Committee, physician applicant 159 of the agenda was approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 160 - 169 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Athletic Trainer Advisory Council, athletic trainer applicants 170 - 185 of the agenda were approved for registration subject to the receipt of verification documents.

On recommendation of the Physician Assistant Advisory Council, physician assistant applicants 186 - 220 of the agenda were approved for registration subject to the receipt of verification documents.

On recommendation of the Respiratory Care Practitioner Advisory Council, respiratory care practitioner applicants 221 - 243 were approved for registration subject to the receipt of verification documents.

Rebecca Hafner-Fogarty, M.D., MBA, informed the board that the Licensure Committee had an extensive discussion regarding respiratory care practitioners and title protection at the October 8, 2008, meeting of the Licensure Committee.

The minutes of the October 8, 2008, meeting of the Licensure Committee were received and approved as circulated.

Robert Leach, J.D., Executive Director, informed the board that in 2007 the public member on the Athletic Trainer Advisory Council resigned his seat. There is one applicant for this seat, Alexander Adams, who is also a professional member of the Respiratory Care Practitioner Advisory Council. Mr. Leach stated that the board has been advised that Mr. Adams does qualify as a public member on the Athletic Trainer Advisory Council. A motion was made and passed unanimously to appoint Mr. Adams as a public member to the Athletic Trainer Advisory Council.

A motion was made and passed unanimously to appoint Mr. Alan Uhl as a public member to the Respiratory Care Practitioner Advisory Council.

Mr. Leach informed the board that on September 22, 2008, the Annual Combined Complaint Review Committee meeting was held. Also, on October 14, 2008, the first Combined Medical Coordinator meeting was held. The minutes of these meetings were included in the board agenda for information only.

Mr. Leach presented the Executive Director's Report.

Mr. Leach stated that at the July Strategic Planning Committee Meeting, it was decided that at each November board meeting, the board will discuss issues related to the Federation of State of Medical Boards' Annual Meeting. Discussion to include such items as resolutions the board would like to bring forth to the Federation of State Medical Boards' House of Delegates and any interest by individual board members to run for an elected office or at being appointed to an office at the Federation of State Medical Boards in the following year.

Gregory Snyder, M.D., board member, reminded the board about a resolution that was tabled at the May 10, 2008, board meeting. This resolution would require that every state would have two votes in the House of Delegates at the Federation of State

Medical Boards. After discussion, the board decided not to pursue this resolution at this time.

Dr. Thomas expressed an interest to run for the Federation of State Medical Boards' Board of Directors. Dr. Hafner-Fogarty made a motion for board support for Dr. Thomas' nomination to the Federation of State Medical Boards' Board of Directors. Motion passed unanimously.

Dr. Snyder expressed an interest to run for the Federation of State Medical Boards' Nominating Committee. Dr. Jon Thomas made a motion for board support for Dr. Snyder's nomination to the Federation of State Medical Boards' Nominating Committee. Motion passed unanimously.

Dr. Hafner-Fogarty informed the board that the Woman's Networking Meeting, held at the May, 2008, Federation of State Medical Boards' Annual Meeting, was the most successful yet, with attendance at its highest level. Dr. Hafner-Fogarty believes that being added to the official Federation of State Medical Boards' Program boosted attendance

Dr. Hafner-Fogarty made a motion to continue to support and finance the Woman's Networking Meeting. Bradley Johnson, M.D., seconded the motion. Motion passed unanimously.

Linda Van Etta, M.D., Board Co-Chair, stated that Chair elect, Dr. Martin Crane of the Federation of State Medical Boards will appoint members from applications received for the Bylaw, Editorial, Finance, and Program Committees and asked if any board member was interested. Dr. Hafner-Fogarty expressed an interest to serve on the Federation of State Medical Boards' Finance Committee. Mr. Leach informed the board that a motion was not necessary since Committee members are appointed, not elected.

Dr. Thomas, Chair of the Policy and Planning Committee, presented the Policy and Planning Committee minutes and agenda from the October 1, 2008, meeting. Dr. Thomas stated that one of the main responsibilities of the Policy and Planning Committee is to review all issues relating to the Medical Practice Act. After board discussion, board members were invited to e-mail Dr. Thomas with any suggested additional responsibilities to be added to the Policy and Planning Committee. Dr. Thomas stated that when the Policy and Planning Committee meet again, they will re-discuss the Draft Mission and Responsibility Statement for the Policy and Planning Committee.

Ms. McGee noted that since the new laptops were issued, some board members do not have all the history included on their new laptops. It was decided that board members will e-mail what information they are missing and board staff will post it on the secure website for board members to download.

Dr. Smith presented the next agenda item, Tuition Reimbursement Policy. Dr. Smith informed the board that Mr. Leach, Dr. Hafner-Fogarty, and he met to finalize details of the Tuition Reimbursement Policy that was discussed at the September 13, 2008, board meeting. Dr. Smith stated that they would like the board to discuss the level of reimbursement, 100% or 75%, if the individual qualifies for reimbursement.

Dr. Hafner-Fogarty made a motion that the board limits the tuition reimbursement at 75%. Motion was seconded. Dr. Smith felt the tuition reimbursement should be offered at 100%.

After lengthy board discussion, it was decided to table the discussion until the January 10, 2008, board meeting. Dr. Hafner-Fogarty withdrew her motion, second was withdrawn and Dr. Hafner Fogarty, Dr. Smith, Mr. Leach, and Tammy McGee, agreed to meet to further clarify and determine the following:

- The percentage of reimbursement;
- What is eligible for reimbursement;
- Grade needed to qualify for reimbursement;
- Decide and clarify if the board will only pay for eligible individual courses, or pay for a full degree program;
- Change verbiage in the Policy under “Eligible Courses”, bullet four, from “relate to a State of Minnesota job,” “to relate to a Minnesota Board of Medical Practice job.” Determine if this needs to be more narrowly defined.
- Determine if there should be a limit in reimbursement per employee, and if so, what is the amount of the limit;
- Clarify that employees interested in tuition reimbursement will be competing each biennium for a certain amount of dollars with other staff;
- A statement that if an employee is approved for tuition reimbursement for a degree program, there should be some sort of reasonable guarantee that the money will be there for the employee while they finish their degree;
- Determine the number of years an employee must agree to stay in employ of the board for each year of tuition reimbursement provided to the employee.

Mr. Leach presented the next agenda item, Survey Forms. Mr. Leach stated that one of the Strategic Planning goals was the creation of survey forms by the November board meeting. The forms presented to the board were:

- Complainant Survey;
- Respondent survey (complaint closed);
- Respondent Survey (after Medical Coordinator Conference); and
- Respondent Survey (after disciplinary or corrective action).

Mr. Leach stated that the forms were reviewed by the Combined Complaint Review Committee and the Policy and Planning Committee and their input was incorporated in the final survey forms.

Dr. Van Etta made a motion for approval of the four surveys. Motion was seconded and passed unanimously.

Mr. Leach presented and asked for approval of the Revised Designated Board Member Form that was also a Strategic Planning goal to be completed by the fourth quarter.

Dr. Van Etta made a motion for approval of the Revised Designed Board Member Form. Motion was seconded and passed unanimously.

Dr. Thomas asked if the Revised Designed Board Member Form could be converted to a document that can be edited and completed on the computer. Mr. Leach stated that he will check with Dave Anderson, the board’s Network Administration to see if that is possible.

Alfred Anderson, DC, M.D., Board member, asked if a respondent who is working with a designated board member can fill out a survey form. Ruth Martinez, Complaint Review Supervisor, stated that if individual board members want to use a survey form for their individual interaction with one of their respondents, they can feel free to do so, but it isn't required.

Mr. Leach presented the New Board Member Orientation Process which was also a Strategic Planning goal that was due at the November board meeting. Mr. Leach stated that the New Orientation Process was implemented with Dr. Berge's orientation on October 16, 2008. Dr. Berge stated that he thought the orientation was excellent.

Motion was made, seconded and passed unanimously for acceptance of the New Board Member Orientation Process.

The Board unanimously elected the following officers for calendar year 2009:

President:	Rebecca Hafner-Fogarty, M.D., MBA
Vice President:	Allen Rasmussen
Secretary:	Alfred Anderson, D.C., M.D.
Delegate to the Federation:	James Mona, D.O.

Mr. Leach: Presented the 2009 board meeting dates. The Board voted to approve the following dates except March 14th, 2009, for its 2009 meetings:

Regular Board Meetings

January 10
To be determined
May 9
July 11
September 12
November 14

Contested Case Hearings

February 14
April 11
June 13
August 8
October 10
December 12

Dr. Hafner and Mr. Rasmussen stated they had a conflict with the tentatively scheduled March 14th, 2009, board meeting date. It was decided that board staff will send out an e-mail to all board members asking for their availability for March 7th and March 14th, 2009. The March Board Meeting date will be determined by the date that gives the board the largest quorum.

The Board was informed of two Corrective Action Agreements introduced since the last Board meeting.

End of Public Session.

EXECUTIVE SESSION

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Carl Smith, M.D., President, Linda Van Etta, M.D., President, Rebecca Hafner-Fogarty, M.D., MBA, Vice President, Allen Rasmussen, Secretary, Alfred Anderson, D.C., M.D., Keith Berge, M.D., Robert Brown, Ph.D., Bradley Johnson, M.D., Ernest Lampe, II, M.D., James Langland, M.D., Gregory Snyder, M.D. and Jon Thomas, M.D., MBA

ANTHONY B. AHLES, RCP

On recommendation of the Complaint Review Committee, the Stipulation and Order for reprimand and restricted registration signed by Mr. Ahles was approved.

LARRY F. BERGER, MD

On recommendation of the Complaint Review Committee, the license of Dr. Berger was reinstated.

PASTOR COLON, MD

On recommendation of the Complaint Review Committee, the Stipulation and Order for restricted license signed by Dr. Colon was approved.

JED JOHN E. DOWNS, MD

On recommendation of the Complaint Review Committee, the Stipulation and Order for reprimand and restricted license signed by Dr. Downs was approved. Dr. Linda Van Etta recused.

DR. STANSLAV KRUGLIKOV

On recommendation of the Complaint Review Committee, the Stipulation and Order for reprimand and restricted license signed by Dr. Kruglikov was approved.

THOMAS A. LOHSTRETER, MD

On recommendation of the Complaint Review Committee, the license of Dr. Lohstreter was reinstated.

ADAM LOKEH, MD

On recommendation of the Licensure Committee, the license of Dr. Lokeh was reinstated.

REID A. MARTINSON, MD

On recommendation of the Complaint Review Committee, the license of Dr. Martinson was reinstated.

DENISE L. MCSHERRY, DO

On recommendation of the Complaint Review Committee, the Stipulation and Order for reprimand and restricted license signed by Dr. McSherry was approved. Dr. James Langland recused.

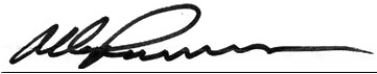
PEGGY L. SCHMITT, RCP

On recommendation of the Complaint Review Committee, the Stipulation and Order for suspended registration signed by Ms. Schmitt was approved.

ALBERTA M. STETTER, RCP

On recommendation of the Complaint Review Committee, the registration of Ms. Stetter was reinstated.

There being no further business, the meeting was adjourned.



Allen Rasmussen
Secretary
MN Board of Medical Practice

December 18, 2008
Date